

BOARD OF ADJUSTMENT

The Board of Adjustment meeting was called to order at 5:30 p.m. by Vice-Chairman Verdoorn.

Roll Call: Present: Verdoorn, Sissel, Muth  
Absent: Cullinan, Robinson

Verdoorn read the following appeal: **Jeff and Cynthia Whitehurst, 1501 2<sup>nd</sup> Avenue N, Clear Lake, IA**, request permission to construct a detached garage and driveway. PERMISSION DENIED: The Clear Lake Code of Ordinances 165.39 Requirements and Exceptions for Established Setbacks. Proposed construction will not meet requirements or exceptions. A Conditional Use may be granted by the Board of Adjustment modifying yard requirements when the owner or lawful occupant of property demonstrates that such person's situation is peculiar to the property in question, that there is practical difficulty in complying with the dimensional requirements of this chapter, and the conditions of Section 165.52(5) can be met.

Mr. Whitehurst stated he is seeking two variances to allow construction of a detached garage on the east side of his property. He is proposing to locate the garage 20' back from the front curb line, which is 7' closer than his house and the residence to the east. The front setback line on homes in the next block west is 17'. Additionally, he is asking for a second driveway opening into his property. He had obtained signatures from abutting property owners to the east and south stating they were in agreement with his proposed construction.

Building Official John Marino explained that it is this departments practice to not allow more than one driveway opening into a property, citing traffic safety issues created by the existence of more drives.

Verdoorn asked if the driveway for the new garage could come off of the existing opening, or if the garage could be located closer to the east side of the existing residence. Mr. Whitehurst explained that if the new cement drive used the existing driveway cut, it would then extend across approximately 85' of his property's frontage. Locating the garage closer to his residence had been considered, however other existing landscaping features on the property precluded this.

Sissel asked if there was City sidewalk along the entire front of the Whitehurst property, and was told that it only extended about 3' east of the current driveway.

Muth stated that he did not see any real issue in allowing a second driveway because Mr. Whitehurst's 173' wide lot could be considered as two lots and as such, a driveway would be allowed on both. He noted that there was the potential for Mr. Whitehurst to divide his property into two lots and sell off the one with the new garage, at which time the City would have no other choice but to allow a separate driveway.

Motion by Muth, second by Sissel to allow the 7' front yard setback variance as requested. All eyes.

Motion by Muth, second by Sissel to allow Mr. Whitehurst a second curb opening and driveway into his property, with the stipulation that the new driveway be cement and constructed to City

specifications, and that the front sidewalk be extended between the existing and new driveways.  
All ayes.

Motion by Muth, second by Sissel, to approve the minutes of the 6/22/10 and 7/13/10 meetings.  
All ayes.

Motion by Muth, second by Sissel, that the meeting be adjourned at 5:45 p.m. All ayes.

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Mike Verdoorn, Vice-Chairman

ATTEST:

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Sharon Springer, Secretary